

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>BRUCE TILLMAN # 121139,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:13-00762</b>
	)	<b>Judge Sharp</b>
<b>JASON WOODALL, ET AL.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Magistrate Judge Brown has entered a Report and Recommendation (“R & R”) in which he recommends that “1) the defendants’ motions for summary judgment (Docs. 138 and 146) be GRANTED; 2) this case be DISMISSED WITHOUT PREJUDICE as to the plaintiff’s federal claims for failure to exhaust as required under 42 U.S.C. § 1997e(a); 3) this case be DISMISSED WITHOUT PREJUDICE as to any claims the plaintiff might have in State court under the Tennessee Health Care Decisions Act (THCDA), Tenn. Code Ann. § 68-11-1806; 4) acceptance and adoption of this Report and Recommendation (R&R) constitute the FINAL JUDGMENT in this action.” (Docket No. 170 at 9-10). Plaintiff has filed no objections to the R & R.

Having considered the matter *de novo* as required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition. Accordingly, the Court rules as follows:


- (1) The R & R (Docket No. 170) is hereby ACCEPTED and APPROVED;
- (2) Defendants’ Motions for Summary Judgment (Docket Nos. 138 and 146) are hereby GRANTED;

(3) Plaintiff's federal claims are DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies;

(4) Plaintiff's state law claim under the THCDA (if any) is DISMISSED WITHOUT PREJUDICE to refiling in state court; and

(5) The Clerk of the Court shall enter a final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE